Previous references.

File No. 16 of 02-

1902.

Serial Nos. 1 — 5

(Banking)

Later references.

Banking 51 of 1903-4
Secs (1-2).
Banking 50 of 1908-4
Secs (1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 5

Part B. for

SUBJECT.

Assumption of the management of the Coffee Estates of Godewar brothers, mortagaged to the Saklespur Agricultural Bank.

Table of Contents.

Sl. No. 1892 dy. 11-4-03. From the Rev. Commr.
Recommending the Dy. Commr's proposals in the matter of the
R.3520 Saklespur Agrl. Bank and taking possession of the Estates of the
Godewar Brothers, — for favorable consideration of Govt.

Sl.2. No. 1951 dy. 14-4-03. From the Private Secry. to His Highness.
Transferring petition of Godewar Annaiya Gowda, complaining a
Sl.1446 the order of the D.C., directing to take under the management of the
Bank the property for the division whereof, he & Godewar brothers are dispu

Sl.3. No. R. 4237 dy. 16-5-03. To the Govt. Advocate.
Requesting his opinion inre — taking possession of the property mortgag
G. R. S. 58 the Saklespur Agrl. Bank by Godewar Devappa Gowda & Basa

Sl.4. No. 230 dy. 29-5-03. From the Govt. Advocate.
R.4005 Submitting his opinion in the matter referred to above.

Sl.5. No. R. 311-2 dy. 29-7-03. To the Rev. Commr. & the D.C. Hassan.
Stating that the bank may take possession of the property if its debtor is
possession and gives it; in which case, the bank must arrange for it
management.

OFFICE OF THE DEWAN OF MYSORI

(Revenue and General Departments).

(Full Office Note.)

Subject.

Hassan Dy Commr's letter
No. 124/09 Dt 21-3-03 re- the Sakleshpur
Agricultural Bank received
with the Chief Commr's docket
No. 1892 Dt 11-4-02.

Note.

The Dy Commr's report
that the Co-operative societies,
by-laws & rules and
Bye-laws & rules, the members
of the Sakleshpur agricultural
Bank have, owing to the
dispute between themselves
and their Committee
who are not the members
of the Bank, allowed the
Estate-mortgages to the
Bank to deteriorate in
condition, endangering thereby
the security of the Bank.
He is not clear what interest
the Committee, now members
of the Bank, have in the

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* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

† 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

2. properly mortgaged to the Bank. If they have actually any interest in such claim the legal authorities have power over the property which they Contended interest has accepted as security.

Under para 3 of Section 39 of Companies Regn. III of 1895, the Liquidators in question are primarily responsible to the Bank for all sums due by them to it and eventually to Govt. under Sec. 76 of articles of Association The Bank is therefore entitled to take necessary precaution and steps under the provisions of the said Regn. The Rule 15 of the Scheme of Arrangement Contained in Govt. order No. 2407-10 V / Rev 100-96 D / 28th Nov 1902. also authorizes the Bank to take possession of the properties mortgaged to the Bank. The Liquidators

Govt. copy

Govt. copy

by

by the By-laws is to the procedure to be followed in taking over possession of the properties by the Bank without resorting to the Civil Court at a heavy cost.

/

Ordered, Answer forwarded in the covering letter of Byadagonda (alias Gafur Sab) requiring him to H.H. the Sultan Bahadur, complaining that with the object of deceiving other brothers, Byadagonda has requested the members of the Bank and the By-laws to take over the mortgaged property under the Bank's management and that under no circumstances should be encouraged. The petitioner prays that the By-laws may be ordered not to take any action till the matter is settled.

Submitted, Hon Secretary
for orders
2-7/4/03.

H 28/4/03

no 91 47/13-4-03.

4

If the parties in possn agree & and over the property, the Bank may take possn of it. May a reply to this effect be given?

2/8/03

The Consuls who have been tested may be told to resort to Courts to enforce their rights if any.

2/5

The Dewan through the HBM Consulate

R. 7/5/03
Camp Bds
1159

4/5/03

I am not lawyer enough to answer this query straight off. I would ask the Govt advocate

9/5/1903

Dorby 10218
10.5.03

01738

Ask whether any loss of mine.

11.V.03

15/5/03

HMR - draft
11/5/03

Recd 6.P.m.
15/5/03.

Draft sub
16/5/03.

Ld

We refer on the subject
Viz Rev Govt no 1892 of 11.4.03 with Dy Govts Ltr
were submitted to the
1st Councillor on 5/8/03
with Govt no 7H1446 of 27/6/03
(post no 2591) praying
that orders may be
issued to the Hassan
Dy Nazir to make
further enquiry &
pass equitable orders
in the matter of division
of the family property
hypothecated to the
Lakshmi April: Bank

HS
12/5/03.

for Secretary
Dewan

VI
12/5/03

This is also submitted
for orders

The Dewan
through the
1st Councillor

12/5/03

VI
13/5/03

File and Bank
Secretary

Office Note Continued

the Govt. Advocate states that the Bank may under Rule 15 enter upon and assume the management of the Estate, that if any body else has joint-interest with the debtor he may join the Bank in the management of the Estate the Bank shall be entitled to take the share in the net income of the Estate to which the debtor is entitled, and that if the debtor had sole and exclusive possession of the Estate the Bank will be entitled to such possession and to the whole income.

i.e. if they have obtained a power to do so. This can be ascertained only by perusing the terms of the mortgage deed.

Submitted to the Hon'ble for orders. 11/9/6/03

9957/19.6.03

The Dewan through to Vth Councillor

Where is the mortgage deed? 19/6/1903

R: 19/6/03 1261

The mortgage deed must be
1. In the bank & has to be

Called for if necessary –

16/7/3

1st Comptroller's remarks:– R 11/7/03 R² 18/7/03 night.

The Bank may be directed to take over possession of the mortgaged property and manage it through agents appointed by itself. We are getting deeper and deeper into the mire, the only solution is the adopting of the legislation that I have recommended.

15/7/3

To the Lewan.

11461
15.7.03.

R 15/7/03

03041

True enough. The legislation or rather the publication of order under s 194 may be taken on hand about the possession of the property may be taken by the Bank if its action is in progress (delib
to – the Bank must also arrange for its management.

16.VII.03

D.a.

18/7/3

K 18/7/03

Refs
Dll
13-4-03

1903. R 3520.

From

V. P. MADHAVA RAO, Esq., C.I.E.,
Revenue Commissioner in Mysore.

To Serial No. 1.

H. V. NANJUNDAYYA, Esq., M.A., M.L.,
Secretary to Govt. of H. H.
the Maharaja of Mysore,
Revenue & General Depts.

Dated 11th April 1903

Despatched

Received

General No. 1892
No.

Enclosure No. one

Has the honor to for-
-ward herewith in
original letter No 124/R
dated 21/23 March 1903
from the Deputy Com-
-missioner, Hassan
requesting instructions
in the matter of the
Agricultural Bank
Saklespur taking
possession of the
estates of Oodevar
brothers for reasons
stated therein and

MGCPB—28-2-03—2000.

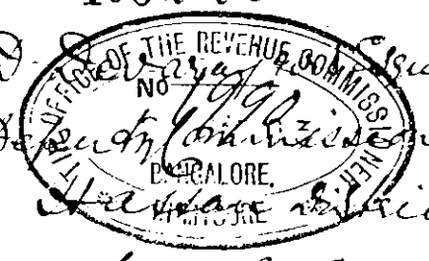
to recommend the
proposal of the Deputy
Commissioner for
the favorable consi-
deration of the
Government

K Narasimhaiya
for Revenue Commissioner

KG

1902-03.

From D. [illegible] Esquire
Deputy Commissioner
Hassan District.



To
C. P. Madhavarao Esquire
C.I.E.
Revenue Commissioner
in Mysore
Bangalore.

Dated 21st } March 1903.
Despatched 23rd }

Received

General No. 124
No. R

Enclosure No nil.

Subject.

Requesting to be good enough as to issue necessary instructions in the matter of taking possession of the estates by the Agricultural Bank at Sakleshpur without resorting to inexpensive process of going to the Civil Court, at an early date.

MGCPB—50 reams.—6-12-02.

4

No. 124
R

Deputy Commissioner's Office
Hassan district.
Dated, Hassan 21st March 93.
23rd

From
D. Devaraj Urs Esqr
Deputy Commissioner
Hassan District.

To
V. P. Madhavarao Esqr
C. I. E.
Dewan Commissioner
in Mysore
Bangalore.

Sir,

I have the honor to state that the Bodavar brothers Byavakke Gowda and Basave Gowda who are the members of the Agri-cultural Bank at Sakleshpur have, in consequence of family differences among themselves and their cousins who are not the members, allowed the estates mortgaged to the Bank to deteriorate in

in condition endangering
security of the Bank. No
proper attention is being paid
to the periodical inspection of
the orchards and crops, which
are left to take care of themselves
and ultimately carried away
by one or other of the usual claimants
to the properties.

2. Amicable settlement of
disputes between the parties by
one of the influential members
of the Bank and by the local
Subdivisional Officer was tried
and not found successful.

3. The Bank having reported
the circumstances to me and
solicited my instructions
in the matter, it appeared that the
only course to adopt was for

for the Bank to assume the management of the estates according to the rule 15 of the scheme of arrangements framed with Government Proceedings No. A 2407-CC dated 2nd November 1962 and instructions were issued to this effect through the Subdivision Officer.

4. Difficulty has however arisen as to the mode of taking over the management. The doubt in pursuance of the rule contained in the scheme of arrangements above referred to the members of the Bank have unanimously resolved to take up the management but this resolution cannot be held to be binding upon the non-members who object

object of the same.

5. In the above circumstances
resort to Civil Court seems to be
the only course left for the
Bank to adopt but this means
much expense as the Godowns
Goodies have borrowed to an
extent of Rs 73129/. As the
Bank is admittedly in favour
to issue the same for the very
object of the estate of the
members the Government has lent
a sudden pecuniary assistance
it seems undesirable that proceed
should be lead to the Civil court.

The assistance of the Bank
such as is given to an Insolvent
by Government in regard to the
recovery of his dues can be
procured

purchased by one of the Bowers.
I have, however, issued necessary
instructions to the Sub-Division
Officer to take precautionary
measures by the attachment
of coffee crops for Kandayam
due by the Bodwar brothers —
but this by itself goes very
little as they will pay the
Government Kandayam.

5. Having regard to the
foregoing circumstances and
to the fact that the Bodwar
brothers are indebted to the
Bank to an extent of over
Rs 79210-14-- including
interest Rs 6050/14/- up to end
of June 1912 and that their
large and valuable estates
are

over your estate your unfortunate & deplorable affecting the Bank's security which in turn affects the interests of Government, I beg you will be so good as to issue instructions in the matter of taking possession of the estates by the Bank without resorting to the expensive process of going to the civil court at an early date.

I have the honor to be
Sir
Your most obedient servant
D Ramsay
Deputy Commissioner
Human Rights

copy of the Private Secy's docket
No. 1951 D. 14-4-03

Two petns (of which this is one) are transferred to the Secy to Govt. for disposal.

By order
Signed C. Maconochie
Private Secy to H.H.

sub

May the Petr be informed & apply to the Dy Comr. in the matter of his complaint in the first instance

ZR
23-4-03

Law F Rev Branch.
for disposal 24/4/03
27/4

H 1446
1902 03

10

No.	25-91
Name of Petitioner	Udevar Annay Gow
Village	Sakkeshpur
Taluk	Manjenabad
District	Hassan
Date of Arzi	13-4-03
Date of Receipt	16-4-03 / 23
Date of Disposal	Serial No. 2
No. of Enclosure	Reply prepaid pass forks two

ABSTRACT

Complain that in the matter of division of property between the Petitioner and his brothers his brother Davappa Gowda who is a member of the Sakkeshpur agricultural bank with the aid of the Sheristadar and the Dy. Comm. intends to deceive him.—

Prays for orders by the Dy. Comm. to make proper enquiry and pass equitable orders in the matter

SKR
23/4/03

MGCPB—5,000—10-11-02

Code. Class. 29 P

INDIAN TELEGRAPHS.

Monthly Number. 1174 / 117

To (Office) Ootacamund

From (Office) Kalyur

109. Words | Day. 13 | Hour. 15 | Minute. 31 | Official Instructions Std Rs. Rupees. Two

To (Person) H.H. the Maharaja

2591 Krishnaraja Wodayar

Bahadur Maharaja of Mysore

From (Person) Udevar

Kunte gowda

2591R

there is dispute among Myseld and 3-4-1913

Brother for division of property brother

davappagowda is an agricultural bank

sa Kalyur the bank members and deputy

Commissioner consulted to take Charge of

all our property to bank Management

to deceive other brothers and issued

illegal orders accordingly to Manjarabad

your highness is requested to order

the deputy commissioner not to Hand

over the Charge of property to

bank and to call for Entire

records and to settle Matter justly

if delayed they surely deceive other

brothers your highness order is urgently

Expected.

64 Word Form. FC 2. amplified

Recd. from LN. Sent to LN.

At Hrs. Mts. by OOTACAMUND Hrs. Mts. 13.4.03

Telegraph Master.

C G P—No 207 T—21 10 1901—4000000

F. N.
No. 3804

Local No. 114.
(of R. P. Telegram.)

Government Telegraph Department.

12

Name and Date Stamp of Booking Office.

Pass for a Reply Paid Telegram.

The sum of Rupees (in words) Two

Annas ..... has been deposited for a reply to this telegram. The reply may be sent from *any* Telegraph Office at any time within two months of this date, *provided this authority be attached to the telegram form.* This Pass may also be used for any Inland telegram sent by any person within the above period, whether it be a reply to the original telegram or not.

PARTICULARS OF THE TELEGRAM.

I. Office at which DEPOSIT was made.

Jallasbur

II. Date and Time of Telegram.

13	15	21

III. Name of Addressee.

H H Mahara
Krishnaraja

Should the cost of the reply exceed the sum deposited, the difference must be paid by the sender of the reply. Should the cost of the reply be less than the amount deposited, no refund will be given for the surplus amount; but if the Pass be not used, the amount which has been deposited will be refunded upon application to the Check Office, Calcutta, if made by the sender within two months of date of issue. The application must be supported by this Pass, without which no refund will be granted.

Name and Date Stamp of Office of Issue.

OOTACAMUND 13-4-03

Note.—In cases where this Pass is for a reply to a foreign telegram, see Service Regulations printed on the back of this form.

Signature of Telegraph Officer in Charge.

Extract from Foreign Service Regulation LI.

This Pass entitles the addressee to send a foreign telegram within the limits of the amount prepaid to any destination whatever. When the charge for the telegram franked by this Pass exceeds the value of the Pass, the difference must be paid in cash. But when the contrary case occurs, the difference is refunded to the depositor of the prepaid amount if he applies for it.

The Pass remains in force for six weeks only counting from its date, after which it is considered to have lapsed. When the addressee does not make use of the Pass the money deposited for the reply is refunded if the following procedure be adopted, namely, the addressee must, before the expiration of three months from the date of issue, return the Pass to the office which delivered it accompanied by a request for the amount to be refunded to the sender (*i.e.*, the depositor of the reply prepaid amount).

13 6'38 ov

Very Urgent.

To

The Govt Advocate in Mysore.

D

No R 4237 Efft 6

Date. 16/5/03. Serial No. 3.

16

Has the honour to forward for early ~~favour of his~~ opinion herewith the marginally noted papers about taking possession of the property mortgaged to the Sakleshpur Agricultural Bank by Oodewar Dyavappa Gowda & Basavé Gowda. The matter ~~being~~ is urgent and a very early reply is solicited. Speaks

By Order.

16/5/03

for Secretary.

Letter No 1892 dy 11.4.03
from The Rev Comr, with enclosure.
Telegram dy 13.4.03
from Anné Gowda.
Docket No 23570 dy 8.5.03
from The Rev: Comr.
With a copy of the Articles of Association & G.O. No R 2467-70 dy 28.11.02.
(To be obligingly returned).

14

OFFICE OF THE
GOVERNMENT ADVOCATE IN MYSORE.

DATED 29th May 1903.

No. 230.
En. No. 1 file.

R. 4005

From

THE GOVERNMENT ADVOCATE
IN MYSORE.

Serial No. 4

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

In reply to your letter No. R 4237, dated 16th instant, I have the honor to state that in my opinion, the Bank may under Rule 15, enter upon and assume the management of the estate. If any body else has joint interest with the debtor, he may join the Bank in the management of the estate, and the Bank shall be entitled to take the share in the net income of the estate to which the debtor is entitled.

If the debtor had sole and exclusive possession of the estate, the Bank will be entitled to such possession and to the whole income.

The enclosures received are herewith returned.

I have the honor to be
Sir
Your most Obedient
Servant

Government Advocate

No. 9/the 1903. Off. H. the Resident
of Kumasi

Read - Serial No. 5

Letter No. 1892 dated the 11th April
1903 from the Revenue Commissioner
in Kumasi recommending for favour-
able consideration ~~the~~ the
the proposed of the Dy. Comr. to per-
mit the Agricultural Bank at
Salaga to take possession of the
~~Estates~~ property mortgaged to the Bank -
-ers Agricultural Bank by the
Gbewa brothers, Dyasafia Jonta
and Nsawe Jonta.

(2) Telegram dated 13th April 1903 from
~~the~~ Gbewa Amoafonta complain-
-ing against the order of the Dy. Comr.
under the Management of Estate the
direction to take the property for the
division where ~~the~~ ~~Estates~~ ~~their~~ ~~they~~ ~~have~~ ~~been~~ ~~situ-~~
-ate and Gbewa brothers are disputing

(3) Letter No. 230 of 29 May 1903 from
the Government Advocate in Kumasi

17

Stating that the Bank is not under
Rules 15 published under G.O. Gos. R.240-10
R.F.-600-96
of the 8th December 1902, entering upon
and assuming the Management of the
property

furnishing an
opinion on
the subject

Order. No. R. 311-12 D of 29.7.03

39

It is clear from the Dy. Comrs
letter above referred to that the
owing to family disputes between
co-sharers brothers, Dyaram Jowala
and Basavi Jowala and their cousins
the property mortgaged to the Agricultural
Bank at Sakleshpur by the former
has been allowed to deteriorate in
condition and apparently thereby the security
of the Bank. The attempt of the Sub
Division Officer, Sakleshpur, to effect
an amicable settlement of the dispute
between parties proved unsuccessful,
he agreed to sell the property and
later under the management of the
Bank. and that the members of the
Bank have also resolved unanimously
to do so - The Dy. Comr. finally states

the resolution of the members could not be binding upon the dissentients, who are non members, and that the last resort, namely, to proceed to Civil Court is very costly. This is the position in the matter the Government Advocate, who was consulted in the matter is of opinion that under Rule 15 above referred to the Bank may enter upon and assume the management of the Estate and that if any body else has joint interest with the debtor, he may join the Bank in the management of the property and that the Bank shall be entitled to take the share in the net income of the property to which the debtor is entitled.

Under the circumstances the bank may take ~~action~~ steps that the proceeds of the property ~~be taken by the Bank~~

re 15 of the arrangements sanctioned in G.O. No. 2407-10 R.F. 100-96 of 28th November 1902.

if it should be in possession and
Priest. ~~and that the Court be~~
~~directed~~ arrange for its conveyance
ment.

In that case, the Court must

Hm
23/7/03
Secretary
21/7/03

To

The Revenue Commissioner
Simla

The Dy. Commissioner
Kalka District

Issue as prayed
21/7/03